

**Camden Select Board
Minutes of Meeting
October 5, 2010**

PRESENT: Vice Chairperson Deborah Dodge, John French, Jr., Morgan Laidlaw, Martin Cates, Town Manager Roberta Smith, and Town Attorney William Kelly. Also present were members of the press and public.

ABSENT: Chairperson Karen Grove

Contents

1. Public Input on non-agenda items.

- a. Dorie Klein – Friends of Ragged Mountain reported they are continuing with their efforts to educate the public about wind issues. To date they now have 240 signatures of people who have signed up to become Friends of Ragged Mountain. Of those people there are 101 people from Camden, 29 from Rockport, 22 from Hope and 88 from away. She thinks the people from away to be included and mentioned because many of these people lived here, grew up here, moved away, recreate here, learn to ski here, hike here, participate in the ball games and mountain biking and so they were willing to join even though they don't live here and she thinks that is commendable.

Highlights of her update included;

- Within approximately a 1 ½ mile radius of where the turbines possibly could be located there are 300 homes. The radius they used is between Barnestown Road, Gillette Road, Hope Road, and Route 17 down to the Route 90 intersection along Park Street toward Simonton Corner but did not include the connector to Wiley Road to get back to Hosmer Pond Road.
- Delivered to Town Managers in Hope, Rockport, and Camden wind ordinances already produced and working in the Towns of Dixmont, Jackson, Montville, Thorndike and most recently Phillips, Maine. The group encourages the town when it comes time to write our ordinance that we refer to the Philips ordinance which is the most protective of health, safety and welfare of citizens and the most recent and the most comprehensive.
- At the last CEDAC meeting they discussed the SWOT (strengths, weaknesses, opportunities, and threats) analysis and one of the threats they identified was wind turbines as a threat to Camden's quality of life.
- Vinalhaven made the front page of the NY Times with an article entitled: For those near the miserable hum of clean energy". It's a 2 page article about the problems that Vinalhaven has been experiencing.
- In an effort to educate the public Ken Gross who works at the Library and is a member of the group has put together various speakers for the month of October. The NY Times will be coming to Camden on October 14th along with Jonathan Carter to speak from 6:30 to 8:00 pm.

- On September 16, 2008 Energy East (known as CMP) became a wholly owned subsidiary of Iberdrola a corporation organized under the laws of the Kingdom of Spain. CMP is owned by Spain. That is a fact and is on the CMP website.

Dorie asked the Board who will choose for Camden the workgroup members and how will those members be chosen?

Board member Dodge stated that anybody who wants to join a committee fills out an interest form that the Select Board reviews. The Board discusses the applicants that have applied for the position and then the Board will decide who will represent Camden on the workgroup.

Dorie also asked if someone applies for a wind turbine permit and has the \$300,000 while the town is in the process of writing a protective ordinance would the town of Camden and the representative of the Town of Camden come forth to the community and let us know that an application is pending.

Town Attorney Kelly answered someone will not come forward because there is a provision in Maine law that deals with what happens with a pending permit application when an ordinance is even started. The ordinance takes retroactive effect until someone actually has a permit and they have actually started to build on site and therefore have invested in the property. Developers will not apply for a wind turbine permit until they see the ordinance that has been passed with the voters and then they will decide if they can live with it before they apply because it takes a tremendous amount of money up front to move one of these projects forward. They are not going to put that money in until they know exactly what they are going for. There certainly would be notices that are necessary anytime an application is filed in Camden. There are public hearings involved. It's a great long process before any kind of final approval would occur.

Vice Chairperson Dodge read the rules and regulations for conducting public hearings in preparation of the public hearings to be held this evening.

2. **A public hearing was held on the 2010 Community Development Block Grant (CDBG) Housing Assistance Project Development Phase II for \$250,000 for a Down Payment Assistance Program for eligible Lupine Terrace Subdivision homebuyers.** Joanne Campbell, President of the Camden Affordable Housing Organization reported last spring the Town of Camden applied for a CDBG Housing Assistance Grant for \$250,000 to provide up to \$30,000 in down-payment assistance for 8 to 10 low moderate income homebuyers in the Lupine Terrace subdivision. We were fortunate to get the grant and now we need to do the next steps to put the administration pieces in place.

Vice Chairperson Dodge asked to hear from any proponents.

Ben Ellison, Bisbee Street – is tremendously impressed with the design and the energy efficiency of those homes and he feels this is a fabulous thing for those families that cannot afford to own a home like these on their own.

Vice Chairperson Dodge asked to hear from any opponents. There were none.

Vice Chairperson Dodge closed the public portion of the hearing, and Board discussion ensued.

3. Consideration of the following regarding the 2010 CDBG Housing Assistance Grant:

- a. Grant documents concerning standards of conduct, fair housing, anti-displacement & relocation, EEO Policy, and a self-evaluation and transition plan.** Rodney Lynch stated these documents are required to be signed and approved by the town. All the particular documents, the minutes and sign in sheet from the public hearing are packaged together and sent onto the ECDC and then the town will receive a contract. Once this is completed you can start drawing down the money. This is the last step that the town has to go through to get the money.

John French made a motion to sign the 2010 Grant Housing Assistance Grant documents as listed above. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

- b. Appointment of the Camden Housing Committee as the CDBG Committee.**

Joanne Campbell stated towns are required in the process of having this CDBG funds are required to have an oversight process. It was recommended by CDBG because we already have a town committee that is focused on housing that is supportive of this application to have that entity be the oversight entity. All they are doing is approving the program guidelines.

Martin Cates made a motion to appoint the Camden Housing Committee as the CDBG Committee and authorize the Camden Housing Committee to adopt the 2010 Single Family Housing Down Assistance payment Assistance Program guidelines. John French seconded this motion. The motion passed on a 4-0-0 vote.

- c. Approval of the Administration Agreement with CaHO.** Manager Smith reported this is the other piece that authorizes CAHO to administer the grant program and they can do it under the terms of keeping their application information confidential.

John French made a motion to approve the Administration Agreement with Camden Affordable Housing Organization. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

- d. Authorization for Rodney Lynch to sign grant drawdown requests on behalf of the town.** Manager Smith stated as a certified CDBG Administrator Mr. Lynch will be administering the grant on the town's behalf.

John French made a motion to authorize Rodney Lynch to sign grant drawdown requests on behalf of the town. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

4. Bid award for the Steamboat Landing area improvements and approval to withdraw funds from the Harbor Reserve to fund the installation of the boat ramp turnaround.

Manager Smith reported on the bid results on the Steamboat Landing drainage and turnaround project. Along with Gartley & Dorsky and the Harbor Committee she recommends the bid be awarded to George Hall & Son. The low bid on the site work portion of the drainage work will be covered with \$39,000 in capital project funding and \$14,400 from drainage funds; the paving will be covered with Department of Public Works paving funds.

The bid proposal included the installation of the boat ramp turnaround as an alternate as it seemed logical to do that work while we had a contractor on-site. The Harbor Committee is recommending that \$11,900 be withdrawn from the Harbor Projects Reserve (balance \$98,298) to fund the installation of the turnaround as part of the project.

John French made a motion to award the bid for the Steamboat Landing Improvements, including the Alternate for the installation of the boat ramp turnaround, to George Hall & Sons in the amount of \$100,650, and to approve the withdrawal of \$11,900 from the Harbor Projects Reserve to fund the turnaround portion of the project. Morgan Laidlaw seconded this motion. The motion passed on a 4-0-0 vote.

5. Consideration of the following regarding the Public Landing:

a. Review of the recently completed boundary survey. Manager Smith reported the recent boundary survey of the Public Landing indicates there are several encroachments into the town's property. To begin, the survey shows that the entire brick patio recently constructed for the use of Paolina's Way is on town property. The survey depicts the location of the recently installed underground utilities that serve the buildings owned by Christina's Way LLC and Rebecca Conrad. None of these encroachments is covered by a license agreement. Typically the Board has approved license agreements for incidental utility and building encroachments, which for the most part, do not conflict with the public's use of public property. Some of the encroachments shown on the new survey serve a business purpose and are a bit different in terms of the policy of previous license agreements.

b. Consideration of the Revocable License Agreement with Christina's Way LLC.

Town Attorney Kelly reported that Christina Sidoti's attorney, Lee Woodward, contacted him yesterday to let him know he would not be able to attend tonight's meeting and Ms. Sidoti is unavailable as well. Mr. Woodward requested the action on this item be postponed to the next meeting. Bill told him he would pass the message along to the Board but he would not be surprised if the Select Board decided to seek action tonight. He also told Mr. Woodward if he had issues after he reviewed what the Board voted on he could come back and discuss those with the Board at a later date. Bill told him it would be the Board's decision whether or not to agree to table this or take action and he understands that there might be some comments from him once he has reviewed it.

Manager Smith reported in the packets was a draft license agreement which covers the underground utilities, patio, and balcony of Christina's Way LLC. Manager Smith stated she has already talked to Christina Sidoti about the use of her patio and

making it a business arrangement. Any kind of lease or easement would take a town vote and she does not recommend the Board give up a piece of the public landing. A revocable license agreement would give the Board an opportunity to allow the business to continue and also allow the town to continue looking at the improvements that have been discussed in the past regarding how the town can make the public landing a little more visitor and business friendly.

In this draft agreement the term is a per year cost to use the patio and the air space for the decks on the second floor for her property. The survey also shows we have a number of balconies/decks overhanging the public property as well. Most of our encroachments have not prevented the public from enjoying that property because it has been for underground utilities and this patio is a little bit different.

Town Attorney wanted to point out that this is different than the typical license the Board has entertained. Typically they are within the right of way such as to cross the right of way to install underground utilities. He wanted the Board to be aware that this is fee interest land it is not a right of way. It is land owned by the town that has the particular purposes attributed to it. They also typically do not have a term but this one does because of the different nature of it. It is a five year and it still could be revoked upon notice but it does not go uninterrupted because of the nature of it.

Board member French commented his main concern is making sure the entrance is maintained as an emergency entrance/exit. We have already had a fire down there recently.

He also would like to see it incorporated in the license that they are responsible to make sure that the patio bricks are of even travel so it does not become a trip hazard because these bricks do shift. We need to make sure they are maintained and kept it in safe way. Town Attorney stated he could add a little more specific language to make it clear about the degree of maintenance the Board expects.

Board member Dodge stated in the draft license agreement there is a paragraph stating the Licensee shall not expand the footprint or amount of intrusion or use of the encroachments for which this License is provided without the written consent of the Select Board. Does this include prohibiting the building of a more permanent structure like a brick planter along that line? Does this language take care of building up? Expanding footprint means on the ground level to her and the amount of intrusion sounds like footprint but would this prohibit the building of a wall for example along that line? Town Attorney Kelly responded that he believes it would but he can add more language to make it more clear that there is nothing to happen beyond what presently exists without further permission. Board member Dodge stated if we move forward she feels that it should be very clear because we don't want any permanent obstructions to get in the way of safety equipment.

Manager Smith stated there is another side to that argument. As she understands it on the asphalt there is enough space for emergency vehicles to get through but her concern is that there are people sitting at tables with children running around

where there is a traveled way. In terms of safety of someone using that patio we need to think about whether it makes sense to have a planter there. It keeps children from running out in front of cars that might be going by.

Board member Dodge stated her concern is with permanent structures. A removable fence with little ropes is one thing but a structure attached to the ground is something different.

The Board discussed policy options concerning if someone wanted to license town property for a business use. There should be some criteria standards set for the Select Board to go by in order to make consistent judgments and to have some consistencies on how one would carry out that policy plus the Board would need to come up with some way of evaluating how much the space is and what an appropriate fee is and what do we base the fee on.

Citizen Anita Brosius-Scott commented that she appreciates the improvements that have been made on the public landing. We have had committees looking at making suggestions for changes at the public landing and this was also part of the TIF district that was approved by the voters last February. She sees this as moving in this direction and she appreciates the Board seriously considering continuing this license agreement.

Board member French stated he thinks we should use the same concept as Harbor Dogs. They both sell food on town property. Harbor Dogs is using approximately using 200 square feet of town property and based on what they are using it comes down to about \$40 per square foot. Christina's Way is using 368 square feet which would be roughly \$1500 a year for a license agreement.

John French made a motion to approve the license agreement with Christina's Way LLC for encroachments on the public landing, subject to charging \$40 per square foot for the annual fee, must provide certificate of insurance annually for liability insurance and add the Town as an additional insured, required to install a safety railing with a weighted base with some type of rope barrier, add clarification to Paragraph 4 that they are not to make any further improvements, and add a requirement that they maintain the brick area in good repair and make sure it does not heave or change height such as it becomes a tripping hazard. Martin Cates seconded this motion. The motion passed on a 3-0-1 vote. (Laidlaw abstained).

- c. Consideration of the Revocable License Agreement with Rebecca Gene Conrad/ Gallagher.** Mrs. Smith reported the unlicensed underground utilities that serve Christina's Way also serve the building next door. There are minor deck and patio encroachments as well. The town attorney has drafted a license agreement that covers maintaining an existing covered entry with above deck, underground utilities, and a set of stairs and railing that all encroach onto town property.

Board member French asked if it is okay to treat these license agreements differently because of their uses. Are we setting a precedent for any future encroachments?

Town Attorney Kelly replied this agreement is consistent with what the town has granted in other right of way situations. In the past the town has granted licenses for steps, curbing in tight spaces, and underground utilities. This is much more in line historically with what the town has granted for license agreements without any fees.

Manager Smith reported that the Town had contracted with Gartley & Dorsky for this survey for \$5700. Howard Gallagher and Christina Sidoiti had each agreed to contribute \$500 each to that survey. We have received payment from Christina but we have not received payment from Howard. Gartley & Dorsky also contributed some towards this survey because it was a little more involved in determining the lines when they quoted the cost for the survey.

Howard Gallagher stated he did agree to contribute to the survey and later on after he found out it was \$500 he wrote the Select Board saying he thought the price could be split between all of the abutting property owners. He is not a property owner and all the electrical and other service lines were all put in prior to his time.

After further discussion,

John French made a motion to approve a license agreement with Rebecca Conrad for encroachments on the public landing contingent on annual providing a certificate of liability insurance naming the town as additionally insured, receipt of the \$500 fee for the survey, and the stairs and railing are kept in good repair. Martin Cates seconded this motion. The motion passed on a 5-0-0 vote.

- d. Consideration of action to address other encroachments onto town property at the Public Landing.** This item was tabled so the Board could do some more research to see if there are any additional agreements in place already covering some of these encroachments shown on the survey.
- 6. Consideration of a revision to the Revocable License with David and Rebecca Johnson to allow the installation of a water line.** Mr. Johnson stated in 2008 when they originally applied for a license agreement for underground power, cable and phone service they thought they were going to go in different directions with both sewer and water. They have now found this path is the least resistant in a very land locked neighborhood. Since we already have the license we just would like to amend the license to include water lines as well as power, cable, and phone. Town Attorney Kelly stated the only thing he did to change the agreement was add water to the list of uses and added an Appendix C which lists the requirements of installation of underground water lines.

John French made a motion to amend the license agreement of David and Rebecca Johnson at 14 Alabama Avenue to add the installation of underground water lines to their existing license agreement. Morgan Laidlaw seconded this motion. The motion passed on a 4-0-0 vote.

- 7. Report from the Megunticook Riverwalk Coalition.** Parks and Recreation Director Jeff Kuller spoke on behalf of the Megunticook Riverwalk Coalition. The Coalition has made considerable progress moving the concept of a Riverwalk forward on the town owned 25 foot strip along Megunticook River adjoining the old Tannery property.

The Coalition has met several times drafting and writing press releases updating the community on the status of plans, workday cleanups, and asking for community participation through the process. The coalition is still planning on submitting a grant proposal to the Maine Bureau of Parks and Lands Recreational Trails program. This is the same grant that the Town was awarded for the Snow Bowl last year. Since there is a stipulation that an agency can have only one grant at a time, they would like the sponsoring agency for this grant application to be the non-profit Friends of Pathways.

As part of the grant process it was recommended that a walk thru of the sight be done with the state which was done. During the walk they learned that the Maine Conservation Corps (MCC) would be a good alternative for actual construction. They contacted MCC and based on input from the public they had them do a cost estimate. The estimate received included all materials and labor and was a little under \$15,000. The limit for this grant is \$35,000 so it is well within the guidelines.

The next steps for the coalition is for them to write the grant proposal, have it reviewed by Coastal Mountains Land Trust, Conservation Commission, Parks and Recreation Committee, and the Camden Rockport Pathways Committee. If needed they will present again to the Select Board at the next meeting on October 26th. The final grant is due on November 5th.

After further Board discussion,

John French made a motion to authorize the Town Manager to enter into such agreements as necessary with the Friends of Pathways to apply for a grant for work to be done on town property. Morgan Laidlaw seconded this motion. The motion passed on a 4-0-0 vote.

- 8. The agenda item for consideration of the request to use Fire Truck Reserve Funds for the purchase of a used vehicle for the Fire Chief was withdrawn.**
- 9. Approval of the renewal application for a Victualers License for Heather Smith, d/b/a Elm Street Grill at 115 Elm street.** Manager Smith reported the application has been reviewed and approved by the Codes Officer and the Fire Department has completed a Life Safety inspection.

John French made a motion to approve the renewal application for a victualer license for Elm Street Grill at 115 Elm Street. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

- 10. Reschedule of November 16 Board meeting due to the conflict with the Chamber's Annual Dinner.** Deborah Dodge mentioned that the Select Board's first meeting in November is the 2nd which is election night. She inquired whether the Board wanted to consider shifting both meetings to the 2nd and 4th Tuesdays in November.

John French made a motion to move the November Select Board meetings to November 9th and November 23rd. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

- 11. Approval of the FY10 Carryforwards.** Manager Smith reported according to preliminary audit reports for 6/30/10, with these carry forwards, the town's level of undesignated, unreserved fund balance would remain close to that of 6/30/09. In order to stay within this target, her recommendation for FY10 carry forwards are approximately \$60,000 under the requests she received.

John French made a motion to approve the FY10 carry forwards as recommended by the Town Manager. Morgan Laidlaw seconded this motion. The motion passed on a 4-0-0 vote.

12. Committee Reports

Energy Committee: Martin Cates reported they talked about solar and hear a very good presentation from Revision. There are some possibilities to be looked at that might help us in a municipal way.

Opera House Committee: Deb Dodge reported they appointed new officers. Don White is the new Chair and Susan Dorr is the new vice chair and secretary. The Committee expressed great appreciation for Hal Owen who has been the chairman of that committee for many years. He is staying on the committee but has stepped down as Chair. They are putting together some ideas which will make them a little more proactive as an Opera House Committee.

13. Managers Report

- a. **Monthly Financial Report.**
- b. **Project reports.** Wastewater Superintendent Ross Parker and Public Works Director Rick Seibel prepared memos updating the Board on assorted projects for their departments.

John French made a motion to adjourn as Select Board and reconvene as Board of Assessors. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

AS ASSESSORS

- 1. Consideration of several abatements to correct billing errors.** Manager Smith reported once all the appraisal work is done there is a little bridge program brings the values from Vision software program over to Trio software program. We had some issues with it this year where it did not bring all the values over. They are working on the problems with this bridge program. A year ago we had the same problem with the personal property.

2. Approval of a Tax Commitment supplement.

John French made a motion to approve the abatement requests and tax commitment supplemental of property taxes for the 2010-2011 tax year as recommended by Assessors' Agent Wesley Robinson. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

John French made a motion to adjourn as Board of Assessors and reconvene as Select Board. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

The Board went back to the order of the agenda.

14. At 9:45 pm John French made a motion to adjourn the public meeting and enter into Executive Session regarding the following:

- a. Collective bargaining 1 MRSA Section 405(6)D*
- b. Personnel 1 MRSA Section 405(6)A*

The Board came out of executive session at 10:45 pm.

At 10:46 pm Deborah Dodge made motion to adjourn the meeting. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

Respectfully submitted,

Janice L. Esancy
Recording Secretary